

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN M. NOLAN, JR	:	NO. 02-CV-2805 (PBT)
	:	
Plaintiff,	:	
v.	:	
	:	Electronically Filed
READING BLUE MOUNTAIN &	:	
NORTHERN RAILROAD	:	
COMPANY,	:	
	:	
Defendant.	:	

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION IN  
LIMINE TO EXCLUDE EVIDENCE THAT HIS COUNSEL FORMERLY  
REPRESENTED WAYNE WEIKEL IN HIS  
ADMINISTRATIVE CHARGE AGAINST DEFENDANT

COMES NOW JOHN NOLAN, plaintiff herein, and files this, his  
memorandum of law in support of his motion in limine to exclude any evidence  
that his counsel in this case, John M. Larosa, represented Wayne Weikel, in his  
administrative charge of discrimination against Defendant.

ARGUMENT AND CITATION OF AUTHORITY

Plaintiff moves the Court to exclude from evidence any mention that his  
counsel in this case represented Wayne Weikel in his administrative charge against  
Defendant. Mr. Weikel is a former employee of Defendant whose employment  
was terminated by the company in 2003. Mr. Weikel filed a charge of age

discrimination with the PHRC against Defendant. Mr. Weikel has not filed suit against his former employer. Mr. LaRosa formerly represented Mr. Weikel in the administrative charge of age discrimination under the PHRA against the Defendant in this action. Mr. LaRosa no longer represents Mr. Weikel.

Mr. Weikel will be called by plaintiff to present testimony in his case in chief. The fact that Mr. LaRosa formerly represented Mr. Weikel in his administrative charge of discrimination against Defendant is not relevant to any of the issues in this case and therefore it is inadmissible. See Rule 402 of the Federal Rules of Evidence. Plaintiff is not requesting that Defendant be precluded from showing the possibility of bias on Mr. Weikel's part through the introduction of evidence that a charge of discrimination was filed by Mr. Weikel, only that his attorney's identity is not pertinent to any possible bias Mr. Weikel may possess.

To the extent that the Court finds that the fact of Mr. LaRosa's representation of Mr. Weikel is relevant to any of the issues in this case Plaintiff asks the court to exclude the evidence based upon the balancing test under F.R.C.P. 403. Relevant evidence should be excluded under Rule 403 if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. In this case, any mention of the fact that Mr. LaRosa formerly represented Mr. Weikel will only serve to unfairly prejudice Mr. Nolan in

the eyes of the jury.

WHEREFORE, plaintiff, having shown good cause for same, respectfully requests the Court grant his Motion in Limine and exclude all evidence of the fact that John LaRosa represented Wayne Weikel in his administrative charge of discrimination against Defendant.

This 28<sup>th</sup> day of July, 2005.

*s/Ralph E. Lamar, IV*

Ralph E. Lamar, IV

PA State Bar No. 78974

Attorney for Plaintiff

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